



S&H Form: (10/03)
Attorney Docket No. 826.1633D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shinya INAGAKI et al.

Application No.: 10/823,634

Group Art Unit: 2874

Confirmation No. 4656

Filed: April 14, 2004

Examiner: Jennifer Doan

For: APPARATUS AND METHOD OF COMPENSATING FOR WAVELENGTH DISPERSION
OF OPTICAL TRANSMISSION LINE

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)

Box ISSUE FEE

Adjustment date: 07/14/2008 CKHLOK
07/07/2008 SZEWDIE1 00000005 193935
01 FC:1001 810.00 CR 10823634

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby submits this Petition pursuant to 37 C.F.R. §1.313(c) requesting that the above-identified application in which the Issue Fee has been paid be withdrawn from issue. As required under § 1.313(c), this application is to be abandoned to permit consideration of an Information Disclosure Statement under §1.97 in a Request for Continued Examination under 37 CFR §1.114.

The Issue Fee for the present application was paid on June 3, 2008; attorney for applicant(s) first became aware, on July 3, 2008, of the need to file an Information Disclosure Statement that would be based on a July 1, 2008 Official Communication from the Japanese Patent Office. Accordingly, it has become necessary that Applicants' Petition to withdraw the application from issue to enable consideration of that Information Disclosure Statement.

Enclosed with this Petition is a check in the amount of \$130.00 covering the petition fee pursuant to 37 C.F.R. §1.17(h).

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

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02 FC:1464 130.00 DA

Attorney Docket No. 826.1633D

Application No.: 10/823,634

In view of the foregoing, it is respectfully requested that this Petition for Withdrawal be granted.

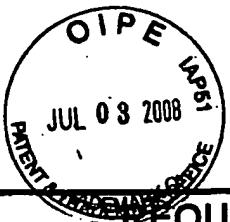
Respectfully submitted,

STAAS & HALSEY LLP

Date: July 3, 2008

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

(INCLUDING FILING FEE AND/OR PETITION FOR EXTENSION OF TIME FEE)

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

To: Commissioner for Patents Box RCE PO Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.: 826.1633D
First Named Inventor Shinya INAGAKI	
Application No. 10/823,634	Group Art Unit 2874
Filing Date April 14, 2004	Examiner Jennifer Doan
CPA Filing Date	Confirmation No 4656
Title of Invention APPARATUS AND METHOD OF COMPENSATING FOR WAVELENGTH DISPERSION OF OPTICAL TRANSMISSION LINE	

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

1.

Submission required under 37 C.F.R. §1.114 (Box a or b must be completed)

a. Previously submitted
i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 07/14/2008 CKHLOK
(Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on 130.00 CR
iii. Other

b. Enclosed
i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. Other (Petition to Withdraw From issue)

2.

Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required).

b. Other

		BASIC FEE		\$ 810.00	
Since an Official Action set an original due date of ___, petition is hereby made for an extension of time to cover the date this RCE is filed, for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$460)); (3 months (\$1,050)); (4 months (\$1,640)); (5 months (\$2,230)).					
Claims As Amended	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	
Total Claims	13	- 20 =	0	X \$50.00	= \$ 0.00
Independent Claims	3	- 3 =	0	X \$210.00	= \$ 0.00
Petition Fee (\$130.00)					\$ 130.00
Total of above Calculations =					\$ 940.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. 1.9, 1.27, 1.28).					
TOTAL FEES DUE =					\$ 940.00
4. <input type="checkbox"/> Small entity status: a. <input type="checkbox"/> Verified Statement Claiming Small Entity Status. b. <input type="checkbox"/> A Verified Statement Claiming Small Entity Status was previously filed and such status is still proper and desired. c. <input type="checkbox"/> is no longer claimed. 5. <input type="checkbox"/> Other:					
6. METHOD OF PAYMENT					
<input type="checkbox"/> A check in the amount of \$ <u>940.00</u> is enclosed. <input checked="" type="checkbox"/> Charge "TOTAL FEES DUE" to Deposit Account No. 19-3935. (A duplicate copy of this form is enclosed.)					
7. GENERAL AUTHORIZATION					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 C.F.R. 1.16 (filing fees) or 37 C.F.R. 1.17 (processing fees) during the prosecution of this application and of any related application(s) claiming benefit hereof pursuant to 35 U.S.C. §120 to maintain pendency hereof and of any such related application to: Deposit Account No. 19-3935.					
8. CORRESPONDENCE ADDRESS					
STAAS & HALSEY LLP *21171* 21171 <small>PATENT TRADEMARK OFFICE</small>					
9. SIGNATURE OF ATTORNEY OR AGENT REQUIRED					
NAME	Richard A. Gollhofer		REGISTRATION NO.	31,106	
SIGNATURE	<i>Richard A. Gollhofer</i>		DATE	July 3, 2008	

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request:		07/11/08	2 Serial/Patent #		10/823,634
3 Please refund the following fee(s):			4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing				\$
	Amendment				\$
	Extension of Time				\$
	Notice of Appeal/Appeal				\$
<input checked="" type="checkbox"/>	Petition	1464	PETWDISSL	07/03/08	\$ 130.00
	Issue				\$
	Cert of Correction/Terminal Disc.				\$
	Maintenance				\$
	Assignment				\$
<input checked="" type="checkbox"/>	Other Request for Continued Examination 1801		RCEX	07/03/08	\$ 810.00
			7 TOTAL AMOUNT OF REFUND	\$ 940.00	
8 TO BE REFUNDED BY:					
	Treasury Check				
	<input checked="" type="checkbox"/> Overpayment		Credit Deposit A/C #:		
	Duplicate Payment		9 1 9 -- 3 9 3 5		
<input checked="" type="checkbox"/>	X No Fee Due (Explanation):				
Petiton not received in time to withdraw from issue.					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Monica A. Graves</u>			TITLE: Paralegal Specialist		
SIGNATURE: <u>Monica A. Graves</u>			PHONE: (571) 272-7253		
OFFICE: Office of Petitions					
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****					
APPROVED: <u>Monica A. Graves</u>			DATE: <u>7/14/08</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B